IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.354 OF 2007

Jhannuram B. Yadav. ...Petitioner.
Vs.
The Municipal Corporation for Greater Bombay & Ors. ...Respondents.

....

Mr. R. P. Ojha for the Petitioner.
Ms. R. N. Karia for Respondent No.1.
Mr. E.K. Sasidharan for Respondent No.2.

.....

CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

While setting aside the ex-parte decree on a motion taken out under Order 9 Rule 13 of the Code of Civil Procedure, 1908, the Learned Trial Judge has held firstly that the record and proceedings did not establish due service of the writ of Summons on the Second Defendant. The said ground weighed with the Trial Court since it was common ground between the Plaintiff and the Second Defendant that the suit premises are situated at CTS 60. The Second Defendant has produced a copy of the Gazette notification dated 4th October 1977 by which CTS 60 as well as CTS 60/1 to 368 came to be declared as a

slum. In that view of the matter, the bar of jurisdiction of the Civil Court under Section 42 of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 was manifestly attracted. In the circumstances, the Learned Trial Judge was not in error in granting relief. No case for interference has been made out in the exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The Writ Petition is accordingly dismissed.

....